

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 30331 of 2007(J)

PETITIONER:

M.RAJEEVAN, AGED 48 YEARS,
S/O D.KUNHUMBU, MELACHERI HOUSE,
KOKKAT, P.O.MANDUR 670501.

BY ADV. SRI.P.V.MOHANAN
SMT.P.ROSAMMA JOSEPH

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
SECRETARY, REVENUE DEPARTMENT,
TRIVANDRUM.
2. DEPUTY COMMISSIONER OF COMMERCIAL TAX,
(APPEALS), KOZHIKODE,
NIRMAL ARCADE ERANHIPPALAM,
KOZHIKODE.
3. THE DISTRICT COLLECTOR,
KANNUR.
4. VILLAGE OFFICER,
CHERUTHAZAM VILLAGE,
P.O.MANDUR, KANNUR.
670501.

BY GOVERNMENT PLEADER SRI. K.P. PRADEEP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

KSS

ANTONY DOMINIC,J.

W.P (C) No. 30331 of 2007

Dated this the 15th October, 2007

J U D G M E N T

Exhibit-P2 is an order of assessment of the year 2001-2002 against which petitioner has filed Exhibit-P3 appeal before the 2nd respondent. Although copy of the stay petition has not been produced, petitioner submits that an application has already been filed and is pending consideration of the 2nd respondent. It is submitted that in the meanwhile revenue recovery proceedings have been initiated and hence this writ petition.

2. If, as submitted by the Learned counsel for the petitioner an application for stay has been filed, without passing orders thereon, authority should not have initiated revenue recovery action. Accordingly, I dispose of this writ petition directing that, if as submitted by the petitioner an application for stay has been filed and the same is pending, orders thereon shall be passed within a period of two weeks from the date of receipt of a copy of this Judgment. In order to enable the petitioner to seek orders as above, further proceedings pursuant to Exhibits P4 to P6 will stand deferred for two weeks

Petitioner shall produce a copy of this judgment before the 2nd respondent, for compliance.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007